

TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATIONDocket Number (Optional)  
SUN-P4182

In re Application of: Judith E. Schwabe

Application No. 09/661,582

Filed: September 14, 2000

For: Populating Binary Compatible Resource-Constrained Devices with Content Verified Using API Definitions

The owner\*, Sun Microsystems, Inc. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/661,581, filed on September 14, 2000, of any patent on the second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

July 13, 2004

Signature

Date

John P. Schaub, Reg. No. 42,125

Typed or printed name

(408) 292-5800

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2004**

JUL 19 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Small entity claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 110)**Complete if Known**

Application Number	09/661,582
Filing Date	September 14, 2000
First Named Inventor	Judith E. Schwabe
Examiner Name	Chameli Das
Art Unit	2122
Attorney Docket No.	SUN-P4182

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit card  Money  Other  None  
Order
 Deposit Account:

Deposit Account Number 50-1698

Deposit Account Name Thelen Reid & Priest, LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 770	2001 385	Utility filing fee	
1052 340	2002 170	Design filing fee	
1053 530	2003 265	Plant filing fee	
1054 770	2004 385	Reissue filing fee	
1055 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>		<b>(\$ 0)</b>	
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>			
		Extra Claims	Fee from below
Total Claims		-20 **	= 0 X = 0
Independent Claims		-3 **	= 0 X = 0
Multiple Dependent			X = 0
<b>SUBTOTAL (2)</b>		<b>(\$ 0)</b>	
Other fee (specify) 1814 Terminal Disclaimer 110.			

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	John P. Schaub	Registration No. (Attorney/Agent)	42,125	Telephone	(408) 292-5800	
Signature				Date	7/12/04	

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